

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES *ex rel.* SIOBHAN
FITZGERALD; STATE OF NEW YORK *ex rel.*
SIOBHAN FITZGERALD; and SIOBHAN
FITZGERALD, individually,
Plaintiffs,

v.

BANK OF AMERICA, and its subsidiaries,
Defendants.

No. 12-cv-1170-ADS-AKT

**DEFENDANT BANK OF AMERICA’S NOTICE OF
MOTION TO DISMISS THE FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and all other papers herein, Defendant Bank of America (“Bank of America”) hereby moves this court for an order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing with prejudice the First Amended Complaint brought by Plaintiff. The basis for this motion is set forth in the accompanying memorandum of law, the Declaration of Jonathan Cedarbaum, and the exhibit thereto.

Dated: July 22, 2013

Respectfully submitted,

/s/ Jonathan G. Cedarbaum

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